

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 438

**Introduced by Assembly Member Chiu
(Coauthors: Assembly Members Alejo and Gonzalez)**

February 23, 2015

An act to amend Section 124 of the Labor Code, relating to state government.

LEGISLATIVE COUNSEL’S DIGEST

AB 438, as amended, Chiu. State government: workers’ compensation: ~~bilingual services.~~ *compensation.*

~~Existing law, the Dymally-Alatorre Bilingual Services Act, requires every state agency, as defined, to provide information regarding public services in a non-English language if a substantial number of the public contacted by the agency are non-English speaking.~~

Existing law establishes a workers’ compensation ~~system~~ *system*, *administered by the Administrative Director of Workers’ Compensation*, to compensate an employee for injuries sustained in the course of his or her employment. Existing law establishes, in the Department of Industrial Relations, a Division of Workers’ Compensation to administer those provisions. In administering and enforcing those provisions, existing law requires the division to protect the interests of injured workers and requires all forms and notices to be given to employees by the division to be in English and Spanish.

~~This bill would make the provisions of the Dymally-Alatorre Bilingual Services Act applicable to the Department of Industrial Relations and Division of Workers' Compensation when providing those forms and notices.~~

This bill would require the Department of Industrial Relations and the Division of Workers' Compensation to make specified forms, notices, and fact sheets available in Chinese, Tagalog, Korean, and Vietnamese. The bill would also require the Administrative Director to make recommendations regarding any other documents that should be translated into languages other than English, as specified, and require the department and the division to submit the recommendations and any translated documents to the Legislature, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 124 of the Labor Code is amended to
2 read:

3 124. (a) In administering and enforcing this division and
4 Division 4 (commencing with Section 3200), the division shall
5 protect the interests of injured workers who are entitled to the
6 timely provision of compensation.

7 (b) Forms and notices required to be given to employees by the
8 division shall be in English and Spanish.

9 (c) *In addition to the requirement in subdivision (b), no later*
10 *than January 1, 2018, the department and the division shall make*
11 *at least the following forms, notices, and materials available in*
12 *Chinese, Korean, Tagalog, and Vietnamese:*

13 (1) *The workers' compensation claim form required pursuant*
14 *to Section 5401.*

15 (2) *The application for the Return-to-Work Supplement Program*
16 *authorized pursuant to Section 139.48.*

17 (3) *Supplemental Job Displacement Non-Transferable Voucher.*

18 (4) *Division of Workers' Compensation fact sheets distributed*
19 *to injured workers, including, but not limited to, those addressing*
20 *the following topics:*

21 (A) *Temporary disability.*

22 (B) *Permanent disability.*

23 (C) *Qualified medical evaluators.*

1 (D) *Uninsured Employers Benefits Trust Fund.*

2 (E) *Utilization review.*

3 (F) *Basic facts on workers' compensation.*

4 (G) *Glossary of terms in workers' compensation.*

5 (d) (1) *Commencing January 1, 2018, the Administrative*
6 *Director shall annually review the forms, notices, and materials*
7 *that are published and distributed by the division to injured*
8 *workers and recommend to the division any other documents that*
9 *should be translated into languages other than English pursuant*
10 *to subdivisions (b) and (c).*

11 (2) *Commencing January 1, 2018, and annually thereafter, the*
12 *department and the division shall submit the recommendations*
13 *and any translated documents to the Legislature.*

14 ~~SECTION 1. Section 124 of the Labor Code is amended to~~
15 ~~read:~~

16 ~~124. (a) In administering and enforcing this division and~~
17 ~~Division 4 (commencing with Section 3200), the department and~~
18 ~~the division shall protect the interests of injured workers who are~~
19 ~~entitled to the timely provision of compensation.~~

20 ~~(b) Forms and notices required to be given to employees by the~~
21 ~~department or the division shall be in English and comply with~~
22 ~~the Dymally-Alatorre Bilingual Services Act (Chapter 17.5~~
23 ~~(commencing with Section 7290) of Division 7 of Title 1 of the~~
24 ~~Government Code).~~